

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ROBERT ALAN ROGINSKY,

Case No. 2:19-cv-01381-KJD-DJA

4 Plaintiff,

ORDER

5 v.

6 NEVADA DEPARTMENT OF PUBLIC  
7 SAFETY, et al.,

8 Defendants.

9 **I. DISCUSSION**

10 On March 3, 2021, the Court issued a screening order dismissing Plaintiff's  
11 malicious prosecution claim, Fifth Amendment claim, Eighth Amendment claim,  
12 Fourteenth Amendment claim, defamation claim, claims under the Americans with  
13 Disabilities Act and the Rehabilitation Act, and claims arising out of Plaintiff's 2017 arrest  
14 without prejudice and with leave to amend. (ECF No. 5 at 11.) The Court permitted  
15 Plaintiff's Fourth Amendment false arrest claim arising out of his 2014 arrest to proceed  
16 only against Defendants Zana, Triplett, and John Doe 2, John Doe 3, John Doe 4, and  
17 John Doe 5, when Plaintiff learns their identities. (*Id.* at 11.) The Court granted Plaintiff  
18 30 days from the date of that order to file an amended complaint curing the deficiencies  
19 of the claims that were dismissed without prejudice. (*Id.* at 12.) The Court specifically  
20 stated that if Plaintiff chose not to file an amended complaint, the action would proceed  
21 only on Plaintiff's false arrest claim against Defendants Zana, Triplett, and John Doe 2,  
22 John Doe 3, John Doe 4, and John Doe 5. (*Id.*) Plaintiff has not filed an amended  
23 complaint. Pursuant to the screening order, this action will proceed only on Plaintiff's  
24 false arrest claim against Defendants Zana, Triplett, and John Doe 2, John Doe 3, John  
25 Doe 4, and John Doe 5.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that, pursuant to the Court's screening  
28 order (ECF No. 5), this action will proceed only on Plaintiff's false arrest claim against

1 Defendants Zana, Triplett, and John Doe 2, John Doe 3, John Doe 4, and John Doe 5,  
2 when Plaintiff learns their identities.

3 IT IS FURTHER ORDERED that the Clerk of Court **WILL ISSUE** summonses for  
4 Defendants Zana and Triplett, **AND DELIVER THE SAME**, to the U.S. Marshal for  
5 service. The Clerk **WILL SEND** to Plaintiff **two (2)** USM-285 forms. The Clerk also **WILL**  
6 **SEND** sufficient copies of the complaint (ECF No. 6) and this order to the U.S. Marshal  
7 for service on Defendant(s). Plaintiff will have **thirty (30) days** within which to furnish to  
8 the U.S. Marshal the required USM-285 forms with relevant information as to each  
9 Defendant on each form. Within **twenty (20) days** after receiving from the U.S. Marshal  
10 a copy of the USM-285 forms showing whether service has been accomplished, Plaintiff  
11 must file a notice with the Court identifying which Defendant(s) were served and which  
12 were not served, if any. If Plaintiff wishes to have service again attempted on an unserved  
13 Defendant(s), then a motion must be filed with the Court identifying the unserved  
14 Defendant(s) and specifying a more detailed name and/or address for said Defendant(s),  
15 or whether some other manner of service should be attempted.

16 IT IS FURTHER ORDERED that henceforth, Plaintiff will serve upon Defendants  
17 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every  
18 pleading, motion or other document submitted for consideration by the Court. Plaintiff will  
19 include with the original paper submitted for filing a certificate stating the date that a true  
20 and correct copy of the document was mailed to the Defendants or counsel for the  
21 Defendants. The Court may disregard any paper received by a district judge or magistrate  
22 judge which has not been filed with the clerk, and any paper received by a district judge,  
23 magistrate judge or the clerk which fails to include a certificate of service.

24 DATED this 6<sup>th</sup> day of May 2021.

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UNITED STATES MAGISTRATE JUDGE